

# O'NEIL FINANCIAL

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February 11, 2008

The Honorable Alan Cropsey  
Senate Majority Floor Leader  
Room S-8  
State Capitol Building  
Lansing, MI 48909

Dear Senator Cropsey:

I am writing to express my appreciation and support for the legislation you have introduced to address longstanding problems with the implantation of the Parental Rights Restoration Act (commonly known as "parental consent for abortion"). As you know, when I served in the Michigan House of Representatives, I sponsored House Bill 4478, which is a forerunner of your Senate Bill 1059. My legislation was passed by both the House and Senate, but was ultimately vetoed by Governor Granholm. Thus, the problems that exist with the judicial bypass process of the parental consent law persist today.

I introduced H.B. 4478 at the behest of judges from Wayne County who were frustrated by two aspects of the bypass process. First, since minors are not obligated to petition their home county circuit court in order to seek a parental consent waiver, minors can choose to "judge shop" by going to a neighboring county if their waiver request is denied, rather than appeal the denial. This practice nullifies the authority of the courts and becomes a waste of time and resources. Furthermore, there is no other situation in Michigan judicial action where a petitioner can be denied relief in one court and then start over again in another court jurisdiction.

Second, the parental consent law does not contain standards to guide the determination the court is asked to make in granting or denying a waiver. Both my legislation and yours addresses this problem by incorporating key elements of the Michigan Benchbook's

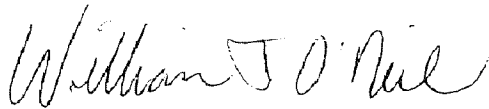
recommendations for conducting these proceedings. Incorporating these standards will address two concerns courts have faced in implanting this law. 1) There has been a lack of consistency in conducting the waiver hearings between counties, and even between judges within the same county, and 2) When denials of a waiver are appealed to the Court of Appeals, there has been no standard in place for the appellate court to apply as to the appropriateness of the trial court's ruling. Judges at both the trial and appellate level have been frustrated by the lack of standards when dealing with these cases.

When Governor Granholm vetoed H.B. 4478, she indicated her agreement with ending the "judge shopping" practice. Her veto message focused on the language used to implement the Benchbook standards. She concluded that the standards would somehow limit judge's ability to protect minors who have been victims of sexual abuse. Nothing could be further from the truth about the language of neither my bill, nor the intentions, nor those of the members of the House and Senate who broadly supported my bill.

That being said, I commend you and Rep. David Robertson (sponsor of H.B. 5650) for making adjustments to the language of your bills to eliminate any speculation or false assertion that making these corrections to the bypass proceedings will somehow protect sexual predators. There is nothing in the language of any of the legislation that would jeopardize minors or protect heinous criminals. I urge you to press forward with all due diligence to enact S.B. 1059.

Again, thank you for your leadership and effort in advancing this important, pro-family public policy.

Sincerely,

A handwritten signature in cursive script that reads "William J. O'Neil". The signature is written in dark ink and is positioned above the printed name.

William J. O'Neil  
Former State Representative